

RECEIVED  
CENTRAL FAX CENTER  
FEB 07 2007

### REMARKS

Claims 1-10, 12-14, 16-21, 23, 24, 26-37 and 41-46 are pending in the present application and stand rejected. In response, Claims 1, 21, 31, 35 and 41 are amended, no claims are cancelled and no claims are added. Reconsideration and withdrawal of the rejections of record are requested in view of such amendments and the following discussion.

#### **I. Claims Rejected Under 35 U.S.C. §103(a)**

The Examiner has rejected Claims 1-10, 12-14, 16-19, 21, 23, 24, 26-37 and 41-44 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,496,744 issued to Cook ("Cook") and U.S. Application No. 2001/0014910 to Bobo ("Bobo"). Applicants respectfully traverse this rejection.

As the Examiner is aware, to establish a prima facie obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Here, the prior art combination of Cook in view of Bobo fails to teach or suggest all claim limitations of the claimed invention, for example, as characterized by independent Claims 1, 21, 31 and 35.

Regarding Claim 1, Claim 1 recites the following claim features which are neither taught nor suggested by the prior art combination of Cook in view of Bobo, or the references of record:

receiving one or more files at a storage location from a first device, across a first network of a first type, the received files provided to the first device by a user controlling the first device; and

providing a file transfer notification to a second device, across a second network of a second type different from the first type, when the one or more files are received at the storage location. (Emphasis added.)

Cook is generally directed to a system for custom manufacture and delivery of a data product. In contrast with Claim 1, Cook does not teach or suggest the receipt of one or more files at a storage location from a first device across a first network of a first type, much less that such received files are provided to the first device by a user controlling the first device, as in Claim 1. Cook does disclose the ability for a customer to select a set of sound recordings available from a "disk farm," and once payment or credit is received, an image of the set is assembled from a

storage or disk farm in a desired format which is mailed to the user. (See Abstract.) In other words, as explicitly disclosed by Cook:

The library of available recordings is preferably supported by a massive "disk farm," which is preferably a relatively large collection of computers on which (or attached to which) are stored digital data comprising the available recordings (or data). Once the CD has been assembled in a manner to allow the system to automatically "manufacture" the product, the product is preferably created at a dedicated manufacturing facility (e.g., a "burner farm"). The product is then shipped to the customer, or to some third party as may be requested by the customer. (Col. 2, lines 38-48.) (Emphasis added.)

Based on the cited passage above, Cook does disclose the ability for a user to select a set of recordings from the available recordings provided by a massive disk farm (see supra,) however, that is something completely different from the receipt of files at a storage location from a first device over a first network of a first type where the files are provided to the first device by a user controlling the first device, as in Claim 1.

According to the Examiner, the above recited feature of Claim 1 is taught by Cook as follows:

(Cook, fig. 1, col. 2, l.21-48, col. 4, l.37-57, col. 7, l.25-60, col. 9, l.22-26, in which the first format is wave audio format, and the first device is storage server across computer network). (P. 3, ¶ 1 of the Office Action mailed December 7, 2006.) (Emphasis added.)

Based on the cited passage above, The Examiner equates the first device to a storage server, however, the above cited passage does not indicate a reference numeral for the storage server referred to by the Examiner. Applicants presume that the Examiner is referring to servers 32a-32n of disk farms 12, as shown in FIG. 2 of Cook.

As described with reference to FIG. 2, data collection systems 33 may collect sound recordings or data and, if necessary, to convert such information into a suitable format for storage in storage devices of the disk farm. (See col. 7, lines 55-58.) In contrast with Claim 1, the sound recordings collected by data collection systems 33 are not provided to the data collection systems by a user controlling the data collection systems, as in Claim 1. Furthermore, the collected sound recordings or data provided by data collection systems 33 to servers 32a for storage within associated storage and storage devices, as shown in FIG. 2 of Cook, are not provided by a user

controlling either the data collection systems 33 or servers 32a-32n. Apposite to Claim 1, Cook teaches that the user merely selects the set of recordings. (See col. 7, lines 25-30.)

Hence, in contrast to the Examiner's contention, Cook fails to teach or suggest the receipt of one or more files at a storage location from a first device across a first network of a first type, the received files provided to the first device by a user controlling the first device, as in Claim 1. As correctly recognized by the Examiner, Cook fails to teach or suggest the providing of file transfer notification to a second device across the second network. As a result, the Examiner cites Bobo.

Regarding Bobo, Bobo is generally directed to systems and methods for storing, delivering and managing messages. As taught by Bobo, when a message is received by a Message Storage and Deliver System (MSDS), the received messages may be stored and a customer is notified of the received message. (See p. 4, ¶ 66 of Bobo.) According to the Examiner:

It would have been obvious to use delivering and managing message for Cook's device to delivery of a data product and notify the second device across the PSTN network. Therefore, the claimed invention would have been obvious to one of ordinary skill in the art at the time of the invention. (P. 3, ¶ 4 of the Office Action mailed December 7, 2006.)

Assuming arguendo that one would modify the delivery of a data product provided by Cook's device to notify a second device across a PSTN network, in contrast with Claim 1, the file transfer notification to the second device across the PSTN is not performed when the one or more files are received at a storage location, as in Claim 1. Accordingly, assuming arguendo that one skilled in the art were to modify Cook in view of Bobo, such notification would be based on delivery of a data product, as indicated by the Examiner, and not on the receipt of one or more files at the storage location, as in Claim 1.

Furthermore, as disclosed by Cook, a customer may track the manufacture and distribution process by activating a hyperlink in one or more email confirmation messages provided by the service provider or by entering order/tracking numbers from retail terminals or by telephone, or the like. (See Cook, Abstract.) Based on such passage of Cook, Cook teaches the ability for a customer to track the process for generation of the selected set of sound

recordings which are packaged and shipped to the user. Hence, the combination of Cook in view of Bobo could provide notification to a user across a PSTN network regarding completion/delivering of a data product; however, that is something completely different from the providing of a file transfer notification to a second device across a second network of a second type different from a first type, when the one or more files are received at a storage location, as in Claim 1.

As further recited by Claim 1, the one or more received files are provided to the first device by a user controlling the first device. Conversely, the custom manufacturing and delivering system taught by Cook does not receive files from the first device that are provided to the first device from a user controlling the first device, as in Claim 1, since the custom manufacturing and delivering system taught by Cook provides a set of sound recordings or data within a disk farm of the custom manufacturing and delivering system. (See col. 2, lines 38-48.)

Consequently, the combination of Cook in view of Bobo fails to teach or suggest at least the receipt of one or more files at a storage location from a first device across a first network of a first type, the files provided to the first device by a user controlling the first device, as in Claim 1.

For each of the above reasons, therefore, Claim 1 and all claims that depend on Claim 1 are patentable over the cited art. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §103(a) rejection of Claims 1-10, 12-14 and 15-20.

Each of Applicants' other independent claims includes limitations similar to those in Claim 1 discussed above. Therefore, all of Applicant's other independent claims, and all claims which depend on them, are also patentable over the cited art, for similar reasons. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the §103(a) rejection of Claims 21-24, 26-37 and 41-46.

#### Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

RECEIVED  
CENTRAL FAX CENTER

FEB 07 2007

CONCLUSION


In view of the foregoing, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance is earnestly solicited at the earliest possible date. If there are any fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR &amp; ZAFMAN, LLP

Dated: February 7, 2007

By:

  
Joseph Lutz, Reg. No. 43,765

12400 Wilshire Boulevard

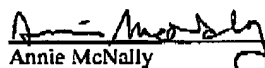
Seventh Floor

Los Angeles, California 90025

(310) 207-3800

**CERTIFICATE OF FACSIMILE TRANSMISSION:**

I hereby certify that this correspondence is being transmitted via facsimile to (571) 273-8300 on the date below addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Annie McNally2/7/2007  
Date